IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7669 OF 2005
IN
CRIMINAL APPLICATION NO.7668 OF 2005

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

Shri U.V.Nikam, A.P.P for the State.
Shri Machhindra Deshmukh holding for Milind Deshmukh for the Respondent Nos.1 and 2.

CORAM : A. S. OKA, J.
DATE : NOVEMBER 15, 2006.

P.C.:

1. Heard the learned A.P.P for the Applicant and the learned Advocate for the Respondents. The delay in preferring Application for leave to prefer an Appeal is of 540 days.

2. The order of acquittal was passed on 04th March, 2004. Certified copy was applied for on 25th October, 2005. Thus, there is a delay of one year and seven months in applying for certified copy of the impugned order. There is no explanation whatsoever in the Application for the said

delay. The resolution was passed by the Law Ministry on 31st October, 2005 for preferring an Appeal. Papers were received by the office of Public Prosecutor on 08th November, 2005 and the Application was filed on 25th November, 2005.

3. It is well settled law that presumption of innocence is further strengthened by the order of acquittal. In the present case, there is absolutely no explanation for the gross delay of one year and seven months making an Application for certified copy of the impugned order. Hence, no case is made out for condonation of delay. Application is rejected.

JUDGE